

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 3, 2003**

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of September 3, 2003, was called to order by Mayor Hitchcock at 7:03 p.m.

Present: Council Members – Beckman, Howard, Land, and Mayor Hitchcock

Absent: Council Members – Hansen*

Also Present: Deputy City Manager Keeter, City Attorney Hays, and City Clerk Blackston

*NOTE: Absent due to attendance at the Northern California Power Agency Legislative Rally in Washington, D.C.

B. INVOCATION

The invocation was given by Pastor Paul Zimmerman, St. Peter Lutheran Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Hitchcock presented a proclamation to Library Services Director Nancy Martinez and Nady Gutierrez, representing the Lodi Public Library's Adult Literacy Program, proclaiming Monday, September 8, 2003, as "International Literacy Day" in the City of Lodi. Ms. Martinez also announced Lodi's participation in the California Literacy "Cities that Read" Campaign.

D-2 (b) Mayor Hitchcock presented a proclamation to Dawayla Tucker, Administrative Assistant with San Joaquin A+, proclaiming the week of September 14 – 20, 2003, as "San Joaquin Reads Week" in the City of Lodi.

D-3 (a) Public Works Director Prima thanked Diane Nguyen with the San Joaquin Council of Governments for her assistance in developing a funding plan for the Kettleman Lane Gap Closure Project and presented her with an award in recognition of her outstanding service to the City of Lodi. He commented that this points out the significance of Measure K tax dollars that allow such important projects to be completed in the county. He announced that a groundbreaking ceremony would be held on September 16. Mayor Hitchcock then presented Ms. Nguyen with a *Certificate of Recognition* on behalf of the Lodi City Council.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Land, Beckman second, approved the following items hereinafter set forth by the vote shown below:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

E-1 Claims were approved in the amount of \$2,968,222.19.

E-2 The minutes of August 6, 2003 (Regular Meeting), August 18, 2003 (Special Meeting), August 19, 2003 (Shirtsleeve Session), August 19, 2003 (Special Meeting 7:00 a.m.), August 19, 2003 (Special Meeting 5:30 p.m.), August 26, 2003 (Shirtsleeve Session), and August 26, 2003 (Special Meeting) were approved as written.

- E-3 Adopted Resolution No. 2003-157 approving the plans and specifications and authorizing advertisement for bids for the Alley South of Pine Street Wastewater Main Rehabilitation Project (Church Street to Hutchins Street) and authorizing the City Manager to award or reject the contract up to \$90,000 and appropriate funds.
- E-4 Adopted Resolution No. 2003-158 awarding the contract for Kettleman Lane (Route 12) Gap Closure Project from Lower Sacramento Road to Ham Lane and from Stockton Street to Cherokee Lane to Teichert Construction, of Stockton, in the amount of \$2,060,827; and appropriated funds in the amount of \$2,450,000 in accordance with staff recommendation.
- E-5 Adopted Resolution No. 2003-159 authorizing the City Manager to execute the System Impact and Facilities Study Agreement with Pacific Gas and Electric Company for increased electric service capacity at the White Slough Wastewater Treatment Plant.
- E-6 Adopted Resolution No. 2003-160 authorizing the City Manager to execute a consulting services agreement with Mel DeRoza and Associates, Utility Consultant for Rubber Gloving Certification for the Electric Utility Department's eligible Linemen, Foremen, and Troubleshooter classifications, and approved funding for the purchase of safety equipment needed for Rubber Gloving (not to exceed \$30,000).
- Mayor Hitchcock noted that she confirmed with staff that the daily \$135 per diem amount included hotel expenses.
- E-7 Adopted Resolution No. 2003-161 amending Traffic Resolution 97-148 by approving two-hour parking restriction on the north side of Pine Street from Stockton Street to 97 feet east of Stockton Street and on the south side of Pine Street from Stockton Street to 117 feet east of Stockton Street.
- E-8 Adopted Resolution No. 2003-162 approving the application to apply for grant funds for the Roberti-Z'Berg-Harris Urban Open Space and Recreation Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2002.
- E-9 Adopted Resolution No. 2003-163 approving the application for grant funds for the Per Capita Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2002.
- E-10 Set public hearing for September 17, 2003, to consider the Technical Equipment Purchase Proposal for Local Law Enforcement Block Grant Program.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

G. PUBLIC HEARINGS

None.

H. COMMUNICATIONS

H-1 Claims filed against the City of Lodi – None

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 Appointments

a) The City Council, on motion of Council Member Land, Beckman second, made the following appointments to the Lodi Arts Commission by the vote shown below:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

Lodi Arts Commission

Andrea Tonkin Term to expire July 1, 2004

Elizabeth Giusto Term to expire July 1, 2005

H-4 Miscellaneous – None

I. REGULAR CALENDAR

I-1 "State Budget update"

Deputy City Manager Keeter reported that Governor Davis appointed Leon Panetta to lead a bipartisan panel to look at reshaping the California fiscal structure. A recommendation is expected prior to January 2004. The League of California Cities may be sponsoring a constitutional amendment that would ensure protections for local revenues. The Howard Jarvis Taxpayers Association filed a lawsuit opposing the Vehicle License Fee restoration to the 1998 levels. The State has filed a response contending that the Association cannot proceed as it has done.

MOTION/ VOTE:

There was no Council action necessary on this matter.

I-2 "Adopt resolution authorizing the City Manager to allocate Public Benefit Program funds in the amount of \$25,000 to create the Lodi's Youth Helping Hands Project and to execute a contract with Rising Sun Energy Center to provide initial coordination and technical/training support for this residential program"

Rob Lechner, Manager of Customer Programs, reported that up to 50 Lodi youth, ages 15 to 18, will be trained in basic home energy conservation techniques as part of the Lodi's Youth Helping Hands Project. The training will include installation of weather stripping, florescent lamps, retractable close lines, low-flow shower heads, door sweeps, programmable thermostats, and water heater pipe wrap. Recipients will be low-income and elderly residential customers, and it is hoped that 250 to 300 customers residing in single-family duplex or triplex dwellings will be assisted over a four-day period. These individuals and families will receive, at no charge, energy efficient improvements that can help them reduce monthly utility expenses from 5% to 15%. Names of potential youth volunteers will be obtained from Lodi Unified School District, Jim Elliot Christian High School, Lodi Boys and Girls Club, the Parks and Recreation Department, and numerous churches. Assistance in identifying recipient customers will be provided by Lodi Salvation Army, East Side Improvement Committee, Council for the Spanish Speaking, and Loel Senior Center, as well as the list of customers who currently participate in the SHARE low-income utility rate discount program. The first of two Helping Hands projects will occur on November 14 and 15. A follow-up weekend event is scheduled for March 2004.

In response to Mayor Hitchcock, Mr. Lechner explained that it is a strictly volunteer program and adults will provide supervision of the students.

Council Member Land suggested that Mr. Lechner also contact Lodi Adopt-A-Child, Lodi House, Century Assembly Church, and Adopt-A-Block for recipient recommendations for this project.

Mayor Hitchcock suggested that Mr. Lechner inform the Youth Commission about the Helping Hands Project.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, adopted Resolution No. 2003-164 authorizing the City Manager to allocate Public Benefit Program funds in the amount of \$25,000 to create the Lodi's Youth Helping Hands Project and to execute a contract with Rising Sun Energy Center to provide initial coordination and technical/training support for this low-income residential customer program. The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

- I-3 "Adopt resolution establishing and adjusting Parks and Recreation facility fees, Lodi Lake vehicle entrance fees, and non-resident fees"

Deputy City Manager Keeter noted that Council received a "blue sheet" on this item (filed). She commented that the city of Santa Rosa has a program called "Change for Kids," in which utility customers can opt to round up their bills to the nearest dollar and designate that the difference go toward parks and recreation programs. She stated that City Manager Flynn thought it might be a program Council would like to consider for Lodi.

Parks and Recreation Director Goehring reported that in the 2001-03 budget the Department was successful in recouping 30% of its operational costs through fees, rentals, etc. The current budget stipulates a 35% cost recovery policy. The fee increase proposal will help the Department achieve that goal. He reported that last night the Parks and Recreation Commission approved the proposed facilities fee increases, as well as program fee increases.

Susan Bjork, Management Analyst Trainee, reviewed the list of proposed fee adjustments (filed). In reply to Council inquiries, she reported that rental fees are for an entire day. Picnic area use is 95% to 100% during weekends from May through September. Pre-paid gate tickets for Lodi Lake are offered at \$2 each. In addition, citizens can purchase a punch card for \$25, which allows 20 entries to the park. Programs fees are separate from facilities fees and have not been included with this request. Ms. Bjork reported that the Department has given a recommendation to the City Manager regarding program fee increases.

Mr. Goehring reported that even with the projected program and facilities fee increases, the Department will be \$40,000 short of a 35% cost recovery. Staff will be returning to Council at a later date with field facilities fee increases. He stated that the Parks and Recreation Commission would like to have the Department add a Consumer Price Index (CPI) to the fees on an annual basis or every two years. He noted that the staff report erroneously indicates that the facilities fee increases will result in additional revenue of \$100,000, when that figure actually includes fee increases for *both* facilities and programs.

Ms. Keeter reported that the Planning Commission voted 3-2 last night to approve the facilities and program fee increases, with the dissenters due to the CPI caveat, as alluded to earlier by Mr. Goehring.

Mayor Hitchcock believed it would be difficult to apply a CPI to these rates, although it might be appropriate to have some type of escalator clause. She noted that Lodi Lake weekend vehicle entrance fee for residents and non-residents was increased by a disproportionate amount. She questioned the rationale for the difference and also commented that, in her experience, residency is not determined when entrance fees are charged at the park. She believed that if there is a separate fee for non-residents, then it should be implemented. She asked if staff considered what other facilities charge.

Mr. Goehring agreed that applying the CPI to small fees would result in odd amounts, which would make collecting and accounting cumbersome. He stated that the fees were raised to an amount that the Parks and Recreation staff believed the market would support. He acknowledged that residency is not determined by Lodi Lake gate staff.

Ms. Bjork reported that she did not obtain or compare fees from other facilities or cities.

Council Member Beckman explained that he would oppose the fee increases, due to the difficult economic situation that citizens face today.

MOTION:

Mayor Pro Tempore Howard made a motion, Land second, to adopt Resolution No. 2003-165 establishing and adjusting Parks and Recreation facility fees, Lodi Lake vehicle entrance fees, and non-resident fees.

DISCUSSION:

Mayor Hitchcock asked whether the maker of the motion would consider amending the weekend Lodi Lake vehicle entrance fee for non-residents from \$3 to \$6, which Mayor Pro Tempore Howard denied.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Howard, Land, and Mayor Hitchcock

Noes: Council Members – Beckman

Absent: Council Members – Hansen

- I-4 "Adopt resolution authorizing the City Manager to execute a joint contract between the City of Lodi and Lodi Memorial Hospital for operation of the Adult Day Care Program at the Hutchins Street Square Senior Center and for operation of the Camp Hutchins Children's Day Care program at Hutchins Street Square through September 2006"

Community Center Director Lange introduced Debbie Aspling, Vice President and Chief Operating Officer for Lodi Memorial Hospital; Terry Whitmire, Adult Day Care Coordinator; and Cindy Olds, Director of the Camp Hutchins Program. Staff is asking that Council approve the request to extend the contract for the operation of the Adult Day Care Program and Camp Hutchins Children's Day Care program at Hutchins Street Square for a three-year period. Ms. Lange reported that the facilities, in which these programs operate at Hutchins Street Square, are leased at \$1 per year. Lodi Memorial Hospital pays for maintenance and operation costs.

With the aid of an overhead presentation, Debbie Aspling reported that the non-profit Adult Day Care Program was established in 1990 to provide supervision of clients over the age of 18, and is the only such program in northern San Joaquin County. The program offers an alternative to skilled facilities and is licensed for up to 30 clients. The staff ratio is one to eight. It averages 26 clients per day and nearly 600 visits per month. Each client in the program has an individualized care plan and is assisted with medication and health needs. Last year a "wander guard" system was purchased, which allows clients with Alzheimer's or other dementia to move freely about the facility. An alarm sounds to alert staff when they approach an exit door. Transportation support was also expanded last year. Federal funds and grants are sought, as well as donations from the Foundation Fund.

Ms. Aspling recalled that when Lodi Memorial Hospital assumed responsibility for Camp Hutchins in 1998 it was operating in a negative financial situation. The program now funds itself and provides care each day for 50 to 60 children ages five through twelve. An additional 40 children participate in the expanded summer program. Further expansion of the program to include infant care for preschool age children is being considered. Next year it is planned to budget for transportation to assist parents with getting their kindergarten children to the program.

Mayor Hitchcock questioned whether the City is competing with private entities by leasing the space for these programs at \$1 per year.

Ms. Aspling replied that there is not sufficient childcare in the community and they try to keep the fees as affordable as possible.

Ms. Olds stated that Camp Hutchins has a waiting list and is approximately \$10 per week less expensive than La Petite Academy.

MOTION:

Council Member Land made a motion, Beckman second, to adopt Resolution No. 2003-166 authorizing the City Manager to execute a joint contract between the City of Lodi and Lodi Memorial Hospital for operation of the Adult Day Care Program at the Hutchins Street Square Senior Center and for operation of the Camp Hutchins Children's Day Care program at Hutchins Street Square through September 2006.

DISCUSSION:

Council Member Beckman spoke in support of the programs and commented that he made a visit to Camp Hutchins and the Adult Day Care three years ago when he was a Planning Commissioner and as part of the Community Services Committee with the League of California Cities. He asked the representatives of the programs to be cautious about engaging in unfair competition with the private sector, as the \$1 annual lease does amount to a government subsidy.

VOTE:

The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

- I-5 "Adopt resolution awarding the purchase of check endorser equipment to Wausau Financial Systems, of Mosinee, Wisconsin"

Deputy City Manager Keeter noted that Council received a "blue sheet" on this item with an amended dollar amount (filed).

Gail Glissman, Customer Service Supervisor, reported that the Finance Department's current check endorsement equipment had been in use for more than 15 years. Replacement parts are no longer available and the City was recently advised that it purchased the last two bottles of ink for the printer that were available in the United States. A five-member team was created to recommend a replacement for the aging equipment. On May 21 staff received approval from the Council to issue a Request for Proposal (RFP) for the replacement equipment. Six vendors submitted responses. Based on the evaluation and customer satisfaction report, the team recommends awarding the purchase of the check endorsement equipment to Wausau Financial Systems in the amount of \$51,991.

Mayor Hitchcock asked why an RFP was done instead of a bid process.

Finance Director McAthie explained that staff wanted to ensure the equipment met all of the Department's needs, rather than merely accepting the lowest bid. The Wausau equipment was generally more efficient, has the capability of downloading images of checks, stores information on disk, can be coordinated with the J.D. Edwards software, and includes training.

In reply to Mayor Hitchcock, Ms. Glissman reported that the vendors ranged in price from \$36,000 to \$65,000.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Beckman second, adopted Resolution No. 2003-167 awarding the purchase of check endorser equipment to Wausau Financial Systems, of Mosinee, Wisconsin, in the amount of \$51,991. The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – Hansen

J. ORDINANCES

- J-1 Ordinance No. 1736 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 2, Chapter 2.16, 'Planning Commission,' by Adding Section 2.16.010(C) Relating to Planning Commission Membership, and Repealing and Reenacting Section 2.16.030 Officers—Rules—Powers and Duties Relating to Planning Commission Powers" having been introduced at a regular meeting of the Lodi City Council held August 20, 2003, was brought up for passage on motion of Mayor Pro Tempore Howard, Beckman

second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hitchcock
Noes: Council Members – None
Absent: Council Members – Hansen
Abstain: Council Members – None

K. MEETING OF THE LODI PUBLIC IMPROVEMENT CORPORATION

At 8:42 p.m., Mayor Hitchcock adjourned the City Council meeting to conduct the meeting of the Lodi Public Improvement Corporation. Following the call to order, Secretary Blackston recorded roll.

- K-1 "Adopt resolution for the Lodi Public Improvement Corporation to authorize investment of monies in Local Agency Investment Fund"

Treasurer McAthie explained that, in the past, the Local Agency Investment Fund (LAIF) has accepted Council's adoption of the annual updated investment policy and internal controls procedure as appropriate documentation regarding who can invest funds. LAIF has recently determined that it does not meet the requirement for the Lodi Public Improvement Corporation because it has different officers.

Director Land noted that the League of California Cities has endorsed CalTrust as a new investment tool that works in competition with LAIF, and he suggested that the Finance Department look into it.

MOTION / VOTE:

The Corporation, on motion of Director Land, Beckman second, adopted Resolution No. LPIC2003-02 for the Lodi Public Improvement Corporation to authorize investment of monies in Local Agency Investment Fund. The motion carried by the following vote:

Ayes: Director – Beckman, Howard, Land, and Mayor Hitchcock
Noes: Director – None
Absent: Director – Hansen

There being no further business, the meeting was adjourned at 8:45 p.m., and Mayor Hitchcock reconvened the meeting of the Lodi City Council.

L. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Land commended American Medical Response, Lodi Memorial Hospital, and UC Davis Medical Center for the outstanding care they provided his grandson who recently suffered a seizure disorder. He thanked everyone who sent letters, cards, e-mails, and phone calls offering their support and prayers for his grandson's recovery. In reference to e-mails being sent by Council Members, Mr. Land stated that he had noticed some that were addressed to City employees and contained disparaging remarks. He asked that he not be copied on such communications, as he felt it was inappropriate. In addition, he expressed concern that some of the e-mails between Council Members may be in violation of the Brown Act.

City Attorney Hays recommended that Council read the article on the topic of e-mail communication in the most recent edition of *Western Cities* magazine. He stated that the law is not clear on the subject; however, he believed that it would not be a violation of the Brown Act as long as the communication is one way and no response is given by Council Members.

- Mayor Hitchcock reported that she received voice mail messages from citizens on Cologne Court regarding the slurry seal that was recently done. They complained about an excess amount of rocks getting into vehicles and homes.

At the request of Mayor Hitchcock, Public Works Director Prima described the various types of street seals and overlays. Slurry seals are done on a six- to eight-year cycle and contain an oil, water, and gravel mixture. This year, over a million square feet (33 streets) were slurry sealed and the only complaint was from one cul-de-sac. Additional sweeping was done at the residents' request.

M. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- Deputy City Manager Keeter stated that Dennis Lewis of Adopt-A-Child is in need of adult volunteers to assist with the Child Shopping Spree event next Saturday. She announced that the Central Valley Division breakfast will be held on September 8 at the League of California Cities Annual Conference.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:59 p.m.

ATTEST:

Susan J. Blackston
City Clerk